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October 17, 1995

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Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

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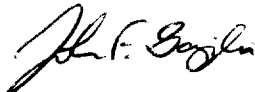
Re: MM Docket No. 95-138; RM-8684  
Amendment of Section 73.202(b)  
FM Table of Allotments  
(Casper, Wyoming)

Dear Mr. Caton:

Transmitted herewith on behalf of Bruce L. Erickson; Hart Mountain, Inc. and Rule Communications is an original and four copies of Comments in the above-referenced proceeding. These Comments support the allotment of FM Channels 273A and 284A to Casper, Wyoming. Further, in order to eliminate mutual exclusivity between the three applications now pending for Channel 247A at Casper, Wyoming, it is requested that the Commission order the amendment of the application of Rule Communications to specify Channel 273A in lieu of Channel 247A while maintaining cut-off protection for the application; and order the amendment of the application of Hart Mountain Media, Inc. to specify Channel 284A in lieu of Channel 247A while maintaining cut-off protection for the application.

Should any questions arise concerning this matter, please contact this office directly.

Sincerely,



John F. Garziglia

Enclosure

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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

In the Matter of ) MM Docket No. 95-138  
 )  
Amendment of Section 73.202(b) ) RM-8684  
FM Broadcast Stations )  
(Casper, Wyoming) )

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To: Chief, Allocations Branch

COMMENTS

Bruce L. Erickson<sup>1/</sup>, by his attorney; Hart Mountain Media, Inc.<sup>2/</sup>, by its attorney; and Rule Communications<sup>3/</sup>, by its attorney, pursuant to Sections 1.415 and 1.420 of the Commission's rules and Notice of Proposed Rule Making, DA 95-1817, released August 28, 1995, hereby submit comments in support of: the allotment of Channel 273A to Casper, Wyoming, with an order stating that Rule Communications amend its pending application to specify Channel 273A in lieu of Channel 247A while maintaining cut-off protection for the Rule Communications application; and the allotment of Channel 284A to Casper, Wyoming, with an order stating that Hart Mountain Media, Inc. amend its pending applica-

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1/ Bruce L. Erickson is an applicant for Channel 247A at Casper, Wyoming (FCC File No. BPH-950103MB), whose application is mutually exclusive with the applications of Rule Communications and Hart Mountain Media, Inc.

2/ Hart Mountain Media, Inc. is an applicant for Channel 247A at Casper, Wyoming (FCC File No. BPH-950104MD) whose application is mutually exclusive with the applications of Bruce L. Erickson and Rule Communications.

3/ Rule Communications is an applicant for Channel 247A at Casper, Wyoming (FCC File No. BPH-950105ME) whose application is mutually exclusive with the applications of Bruce L. Erickson and Hart Mountain Media, Inc.

tion to specify Channel 284A in lieu of Channel 247A while maintaining cut-off protection for the Hart Mountain Media, Inc. application. In support thereof, the following is submitted:

1. Bruce L. Erickson, Hart Mountain Media, Inc. and Rule Communications hereby incorporate by reference their August 4, 1995 Petition for Rule Making in these Comments. Rule Communications restates, that upon the allotment of Channel 273A to Casper, Wyoming, and a reservation of that channel for the application of Rule Communications with cut-off protection, Rule Communications will promptly submit an appropriate amendment specifying the allotted channel for its proposed facility, and when authorized, construct a station promptly. Likewise, Hart Mountain Media, Inc. restates, that upon the allotment of Channel 284A to Casper, Wyoming, and a reservation of that channel for the application of Hart Mountain Media, Inc. with cut-off protection, Hart Mountain Media, Inc. will promptly submit an appropriate amendment specifying the allotted channel for its proposed facility, and when authorized, construct a station promptly.

2. The public interest would be well served by the requested allotments as they would accommodate each applicant's request for a Class A channel, and avoid a comparative hearing for Channel 247A. By adopting the Commission's proposal in the Notice of Proposed Rule Making, each applicant will be able to quickly initiate new service to Casper. In addition, there will be a reduction in the burdens on the Commission's processing and

hearing resources by the elimination of the need to designate for hearing the mutually exclusive applications, and the subsequent hearing and possible appeal processes.

WHEREFORE, for the reasons above, it is respectfully requested that Channel 273A and Channel 284A be allotted to Casper, Wyoming, with a reservation of Channel 273A for the application of Rule Communications and a reservation of Channel 284A for the application of Hart Mountain Media, Inc., which will leave the application of Bruce L. Erickson as a singleton on Channel 247A resolving the mutual exclusivity now existing on Channel 247A at Casper, Wyoming.

Respectfully submitted,

BRUCE L. ERICKSON

By: John R. Wilner  
John R. Wilner  
His Attorney

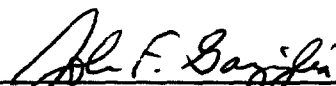
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HART MOUNTAIN MEDIA, INC.

By: Barry Skidelsky  
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Its Attorney

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**RULE COMMUNICATIONS**

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Its Attorney

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October 17, 1995

**CERTIFICATE OF SERVICE**

I, Tracey S. Westbrook, a secretary in the law firm of Pepper & Corazzini, L.L.P., do hereby certify that a true copy of the foregoing "Petition for Rule Making" was sent this 17th day of October, 1995 by hand delivery to the following:

Ms. Sharon P. McDonald  
Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W.  
Fifth Floor  
Washington, D.C. 20554

  
Tracey S. Westbrook